IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.1899 of 2007

Gundvanya Ishwar Shinde ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Ms Anita Agarwal, Advocate for the applicant.

Mr S. S. Pednekar, APP for the State.

CORAM: V. C. DAGA,J.
DATED: 22. 08. 2007.

P.C.:-

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant is seeking bail in C.R.No. 52 of 2005 registered with Indapur Police Station for the offence punishable under Sections 307, 363, 365, 342, 323, 504, 506 read with Section 34 of the IPC.

4. According to the prosecution, on 3.4.2005, when the complainant was present in his house with his relatives some seven

persons at about 14:30 p.m. including the present applicant, came and took him to the house of Salim Lailasha Kale on motor-cycle and demanded money, which the complainant refused to pay. It is further the case of prosecution that these two persons demanded in writing on a stamp paper promising to pay the amount taken by him. When the complainant refused to do so, he was stabbed by the present applicant and Salim near his testicles. After admission in the hospital, he succumbed to his injuries.

5. Initially, the F.I.R. was lodged under Section 307 of the I.P.C. The complainant died on the next day. Charge was converted from Section 307 to 302 of the I.P.C.

6. After registration of the aforesaid offence the applicant was absconding. This is clear from the case diary. Ultimately, he was arrested on 22.12.2006. The trial of the co-accused is over resulting in conviction.

7. In the aforesaid facts and circumstances, the present applicant has filed

this application for bail.

8. Mrs Agrawal, learned counsel for the applicant contends that considering judgment of the Sessions Court in Session Case No. 43 of 2005, culminating in conviction of other accused, now no prima facie case exists against the present applicant.

9. The learned APP, while opposing this bail application, brought to my notice the conduct of the present applicant as to how he successfully absconding and avoiding his arrest. Applicant kept himself away from the process of law. He further submits that if the accused-applicant is released on bail, he may jump the bail. He further submits other two crimes are pending against the present applicant. He, thus, submits that the applicant is a habitual offender with criminal antecedents. Hence prayed for rejection of his bail application.

10. Considering the nature of the serious crime alleged against the present applicant, available material to connect him with the

offence alleged against him and his previous conduct, together with pending three crimes against him, I am not inclined to entertain this application for bail. The application is, thus, rejected. However, the trial of the present applicant-accused be treated as "expedited" one.

11. The application is disposed of.

(V.C. DAGA,J.)